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12 HARRY ALLEN AND AETRIUM INCORPORATED

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

16 UTHE TECHNOLOGY CORPORATION,

17 Plaintiff,

19 v.

20 HARRY ALLEN and AETRIUM  
INCORPORATED,

21 Defendants.

Case No. 3:95-cv-02377-WHA

**DECLARATION OF ARCHANA NATH  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Date: September 5, 2013  
Time: 8:00 a.m.  
Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: The Honorable William H. Alsup

23 I, Archana Nath, declare as follows:

24 1. I am an attorney licensed to practice in the state of Minnesota, and admitted, *pro*  
25 *hac vice*, to practice before this Court. I am an associate with the firm of Oppenheimer Wolff &  
26 Donnelly LLP, attorneys of record for Defendants Harry Allen and Aetrium Incorporated

1 ("Defendants") in this action. I have personal knowledge of the facts set forth herein. If called as  
2 a witness, I could and would competently testify to the matters stated in this declaration.

3 2. I make this declaration in support of the Defendants' Motion for Summary  
4 Judgment ("Nath Decl.").

5 3. Attached as Exhibit A is a true and correct copy of excerpts from the testimony of  
6 Uthe Technology Corporation's 30(b)(6) Deposition by corporate representative Michael J.  
7 Goodson, taken on January 18, 2013 ("Uthe 30(b)(6) Dep.").

8 4. Attached as Exhibit B is a true and correct copy of the Expert Report of Mark J.  
9 Hosfield, and accompanying Report Exhibits 3 to 6.2, served by Plaintiffs on May 31, 2013,  
10 Deposition Exhibits 601 and 605 to the Deposition of Mark J. Hosfield ("Hosfield Report").

11 5. Attached as Exhibit C is a true and correct copy of the Deposition of Mark J.  
12 Hosfield, taken on June 4, 2013 ("Hosfield Dep.").

13 6. Attached as Exhibit D is a true and correct copy of Deposition Exhibit 631 to the  
14 Deposition of Mark J. Hosfield (Partial Award 2, damages award from the Singapore Arbitration  
15 entitled Uthe Technology, Inc. v. Kwan Seik Cheong, Chua Cheow Tian, Chow Yoke Keng, dated  
16 March 23, 2012 ("Arbit. Damage Award").

17 7. Attached as Exhibit E is a true and correct copy of Deposition Exhibit 615 to the  
18 Deposition of Mark Hosfield (Supplemental Affidavit of Evidence-in-Chief of Chow Yoke Keng,  
19 dated December 2003).

20 8. Attached as Exhibit F is a true and correct copy Deposition Exhibit 628 to the  
21 Deposition of Mark J. Hosfield (Affidavit of Tan Lee Tian (Katherine Yip), dated November 1,  
22 1999).

23 9. Attached as Exhibit G is a true and correct copy of Deposition Exhibit 619 to the  
24 Deposition of Mark Hosfield (Declaration of J. Michael Goodson in Support of Plaintiff's  
25 Opposition to Defendants' Motion for Summary Judgment, filed March 7, 2013) ("Goodson SJ  
26 Decl.").

27 10. Attached as Exhibit H is a true and correct copy Deposition Exhibit 621 to the  
28 Deposition of Mark J. Hosfield (Crestek 10-K, filed March 16, 1993) ("Crestek 10K").

1       11. Attached as Exhibit I is a true and correct copy of Deposition Exhibit 630 to the  
2 Deposition of Mark J. Hosfield (“P&L for ’89 to ’92” of Uthe Singapore).

3           12. Attached as Exhibit J is a true and correct copy of the Expert Report of Richard  
4 Eichmann, and accompanying Exhibits 1 to 5, served by Defendants on June 14, 2013 (“Eichmann  
5 Report”).

6 13. Attached as Exhibit K is a true and correct copy of the Deposition of Richard  
7 Eichmann, taken on June 19, 2013 ("Eichmann Dep.").

8 14. Attached as Exhibit L is a true and correct copy of Deposition Exhibit 66 to the  
9 Deposition of Richard Eichmann (Crestek, Inc. SEC Filings 1988-1995).

10 15. Attached as Exhibits M-1 through M-4 are true and correct copies of the following:

- a. Exhibit M-1: Crestek, Inc. 118 Tax Form, bates stamped Uthe02870-02878.
- b. Exhibit M-2: Crestek, Inc. Tax Accrual 6/30/93, bates stamped Uthe02861-02865.
- c. Exhibit M-3: June 30, 1998 Crestek Financials, bates stamped Uthe00567-00585.
- d. Exhibit M-4: November 8, 1999 Crest Financials, bates stamped Uthe00586-00592.

15        16.      Attached as Exhibit N is a true and correct copy of Plaintiff Uthe Technology  
16 Corporation's Responses to Defendant Aetrium Inc.'s First Set of Document Requests, Deposition  
17 Exhibit 617 to the Deposition of Mark Hosfield, and corresponding service letter dated  
18 December 10, 2012.

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is true and correct.

22 Executed this 1st day of August, 2013, at Minneapolis, MN.

s/ Archana Nath

Archana Nath